IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22143 of 2004

Between:

Smt. Lavu Jhansi Rani, W/o. L. Srinivas Rao, Fair Price Shop

Dealer Gogulamudi Village, Pedanandipadu Mandal, Guntur

District.

..... PETITIONER

AND

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Guntur, Guntur District.
3 The Mandal Revenue Officer, Pedanandipadu Mandal, Guntur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particualrly one in the nature of Writ of Mandamus declaring the action of the respondent in rejecting the stay petition of the petitioner vide order dated 24-11-2004 and in not disposing of the appeal pending before him in File No.51/2004-S7, which was filed against the order of suspension passed by the 2nd respondent in Rc.3475/2004-G, dated 2-10-2004, is illegal, arbitrary, improper and against the principles of natural justice.

Counsel for the Petitioner:MR.K.SRINIVAS

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The authorization of the petitioner was suspended by the 2nd respondent through proceedings, dated 02.10.2004. Petitioner filed an appeal before the 1st respondent together with an application for grant of stay. Through order, dated 24.11.2004, the 1st respondent rejected the application for stay. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

A perusal of the order, dated 02.10.2004, discloses that the allegations against the petitioner are general in nature. They relate to non-exhibition of name board; failure to maintain complaint book; not distributing the commodities through weighment; failure of the petitioner to open the shop according to the time fixed by the Government etc., There is not even an iota of allegation that the petitioner had bifurcated the essential commodities to black market or that she did not supply the same to the Card Holders.

Having regard to the facts and circumstances of the case, this Court is of the view that the petitioner deserves to be permitted to continue as Fair Price Shop Dealer, pending disposal of the appeal by the Joint Collector. Hence, the writ petition is disposed of directing that the petitioner shall be entitled to function as Fair Price Shop Dealer, till disposal of the appeal by the 1st respondent. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 2nd December, 2004

Note: Office to furnish copy

in two days.

(B/o.)

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To

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Guntur, Guntur District.
3 The Mandal Revenue Officer, Pedanandipadu Mandal, Guntur District.

4 2 CCS to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

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